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10 Attorneys for Defendant
11 Pfizer Inc.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

16 LYLE TOOLE,

17 Case No.: 3:15-cv-04989-RS

18 Plaintiff,

19 v.

20 PFIZER, INC.

21 Defendant.

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STIPULATION AND [PROPOSED] ORDER
3:15-cv-04989-RS

1 On December 11, 2015, several Plaintiffs, without opposition, moved the Judicial Panel
2 on Multidistrict Litigation (“JPML”) to transfer and coordinate 15 actions, including the instant
3 action and any “tag-along” actions, in the United States District Court for the Northern District
4 of California, pursuant to 28 U.S.C. §1407. Defendants agree that coordination is appropriate
5 and that the Northern District of California is a suitable venue. *See Case MDL No. 2691, Dkt. 1*
6 through 1-4.

7 On December 28, 2015, with briefing essentially complete in support of Plaintiffs’
8 unopposed motion to transfer, the parties jointly moved the JPML for expedited consideration of
9 Plaintiffs’ unopposed motion on the January 28, 2016 hearing session. *See Case MDL No. 2691,*
10 *Dkt. 16.*

11 On December 29, 2015, the motion for expedited consideration was denied by the JPML.
12 *See Case MDL No. 2691, Dkt. 19.* The next scheduled hearing session for the JPML is March
13 31, 2016.

14 Defendant Pfizer Inc.’s current deadline to respond to the complaint in this matter is
15 January 25, 2016, pursuant to the parties’ one prior stipulation to modify the response date. *Dkt*
16 11.

17 To avoid unnecessary pleadings and provide the JPML with the time it requires to rule on
18 the parties’ pending motion to transfer, defendant Pfizer Inc. and Plaintiff Lyle Toole wish to
19 stipulate to extend Pfizer’s deadline to respond to the Complaint until sixty (60) days after a
20 ruling by the JPML on Plaintiffs’ motion to transfer.

21 This stipulation will require the Court to reschedule the case management conference
22 currently scheduled for April 14, 2016 at 10:00 A.M. in Courtroom 3 to a later date.

23 Based on the foregoing and pursuant to Local Rule 6-2 of the Northern District of
24 California, the parties stipulate and agree to extend Pfizer’s deadline to respond to Plaintiff’s
25 complaint in this matter until sixty (60) days after the JPML rules on Plaintiffs’ motion to
26 transfer, described above.

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1 DATED: January 22, 2016 By: /s/ Trevor B. Rockstad
2 Trevor B. Rockstad (SBN 277274)
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10 *Attorneys for Plaintiff*
11
12 DATED: January 22, 2016 By: /s/ Matthew A. Holian
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1 I, Matthew A. Holian, am the ECF user whose identification and password are being used to file
2 the foregoing Stipulation And [Proposed] Order Continuing Deadline To Respond To Complaint.
3 I hereby attest that the above-referenced signatory to this stipulation has concurred in this filing.

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/s/ Matthew A. Holian

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MATTHEW A. HOLIAN

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ORDER

PURSUANT TO STIPULATION OF THE PARTIES, IT IS ORDERED:

The time for Defendant Pfizer Inc. to respond to Plaintiff's complaint in this action is continued until sixty (60) calendar days after the Judicial Panel on Multidistrict Litigation ("JPML") issues its ruling on Plaintiffs' pending motion to transfer and coordinate 15 actions, including the instant action and any "tag-along" actions, in the United States District Court for the Northern District of California, pursuant to 28 U.S.C. §1407.

The case management conference currently scheduled in this case for April 14, 2016 at 10:00 A.M. in Courtroom 3 will be rescheduled to a date as determined and ordered by this Court.

Dated: 1/22 , 2016

By: 
Honorable Richard Seeborg
United States District Court Judge